

1 (a) The tax shown on the return or, if no return is filed, the tax is
2 less than \$500.

3 (b) The preceding taxable year was 12 months and the corporation had no
4 liability under ss. 71.01 and 71.61 for that year.

5 (9) Taxpayers shall make estimated payments in 4 instalments, on or
6 before the 15th day of each of the following months:

7 (a) The 3rd month of the taxable year.

8 (b) The 6th month of the taxable year.

9 (c) The 9th month of the taxable year.

10 (d) The 12th month of the taxable year.

11 (10) (a) For corporations that have Wisconsin net incomes of less than
12 \$250,000, except as provided in pars. (b) and (c), the amount of each instal-
13 ment required under sub. (9) is 25% of the lower of the following amounts:

14 1. Ninety percent of the tax shown on the return for the taxable year or,
15 if no return is filed, 90% of the tax for the taxable year.

16 2. The tax shown on the return for the preceding year.

17 (b) Paragraph (a) 2 does not apply if the preceding taxable year was less
18 than 12 months or if the corporation did not file a return for the preceding
19 year.

20 (c) If 22.5% for the first instalment, 45% for the 2nd instalment, 67.5%
21 for the 3rd instalment and 90% for the 4th instalment of the tax for the tax-
22 able year computed by annualizing, under methods prescribed by the department
23 of revenue, the corporation's income for the months in the taxable year ending
24 before the instalment's due date is less than the instalment required under
25 par. (a), the corporation may pay the amount under this paragraph rather than
26 the amount under par. (a). For purposes of computing annualized income under
27 this paragraph, the apportionment percentage computed under s. 71.07 (2) from
28 the return filed for the previous taxable year may be used if that return was

1 filed with the department of revenue on or before the due date of the instal-
2 ment for which the income is being annualized and if the apportionment per-
3 centage on that previous year's return was greater than zero. Any corporation
4 that pays an amount calculated under this paragraph shall increase the next
5 instalment computed under par. (a) by an amount equal to the difference
6 between the amount paid under this paragraph and the amount that would have
7 been paid under par. (a).

8 (11) (a) Except as provided in par. (c), for corporations that have
9 Wisconsin net incomes of \$250,000 or more, the amount of each instalment
10 required under sub. (9) is 25% of the amount under par. (b).

11 (b) Ninety percent of the tax shown on the return for the taxable year
12 or, if no return is filed, 90% of the tax for the taxable year.

13 (c) If 22.5% for the first instalment, 45% for the 2nd instalment, 67.5%
14 for the 3rd instalment and 90% for the 4th instalment of the tax for the tax-
15 able year computed by annualizing, under methods prescribed by the department
16 of revenue, the corporation's income for the months in the taxable year ending
17 before the instalment's due date is less than the instalment required under
18 par. (a), the corporation may pay the amount under this paragraph rather than
19 the amount under par. (a). For purposes of computing annualized income under
20 this paragraph, the apportionment percentage computed under s. 71.07 (2) from
21 the return filed for the previous taxable year may be used if that return was
22 filed with the department of revenue on or before the due date of the instal-
23 ment for which the income is being annualized and if the apportionment per-
24 centage on that previous year's return was greater than zero. Any corporation
25 that pays an amount calculated under this paragraph shall increase the next
26 instalment computed under par. (a) by an amount equal to the difference
27 between the amount paid under this paragraph and the amount that would have
28 been paid under par. (a).

1 (12) If a corporation files a return for a calendar year on or before
2 January 31 of the succeeding calendar year (or if a corporation on a fiscal
3 year basis files a return on or before the last day of the first month
4 immediately succeeding the close of such fiscal year) and pays in full at the
5 time of such filing the amount computed on the return as payable, then, if
6 estimated taxes are not required to be paid on or before the 15th day of the
7 9th month of the income year but are required to be paid on or before the 15th
8 day of the 12th month of the income year, such return shall be considered as
9 payment.

10 SECTION 1469m. 71.23 of the statutes is amended to read:

11 71.23 PENALTIES NOT DEDUCTIBLE. No penalty imposed by this chapter,
12 including penalties imposed under s. 71.20 or 71.21, or by subch. III of ch.
13 77 or amounts added to the tax under s. 71.21 or 71.22 may be deducted from
14 gross income in arriving at net income taxable under this chapter.

15 SECTION 1470m. 71.301 to 71.372 of the statutes are repealed.

16 ••87a1068/2••SECTION 1471m. 71.53 of the statutes is created to read:

17 71.53 SCHOOL PROPERTY TAX CREDIT. (1) In this section:

18 (a) "Claimant" means a natural person who files a claim or on whose
19 behalf a claim is filed under this section but does not include an estate,
20 fiduciary or trust.

21 (b) "Principal dwelling" means any dwelling, whether owned or rented, and
22 the land surrounding it that is reasonably necessary for use of the dwelling
23 as a primary dwelling of the claimant and may include a part of a multidwell-
24 ing or multipurpose building and a part of the land upon which it is built
25 that is used as the claimant's primary dwelling.

26 (c) "Property taxes" means real and personal property taxes, exclusive of
27 special assessments, delinquent interest and charges for service, paid by a
28 claimant on the claimant's principal dwelling during the taxable year for

1 which credit under this section is claimed, less any property taxes paid which
2 are properly includable as a trade or business expense under section 162 of
3 the internal revenue code. If the principal dwelling on which the taxes were
4 paid is owned by 2 or more persons or entities as joint tenants or tenants in
5 common or is owned by spouses as marital property, "property taxes" is that
6 part of property taxes paid that reflects the ownership percentage of the
7 claimant. If the principal dwelling is sold during the taxable year the
8 "property taxes" for the seller and buyer shall be the amount of the tax pro-
9 rated to each in the closing agreement pertaining to the sale or, if not so
10 provided for in the closing agreement, the tax shall be prorated between the
11 seller and buyer in proportion to months of their respective ownership.
12 "Property taxes" includes monthly parking permit fees in respect to a prin-
13 cipal dwelling collected under s. 66.058 (3) (c).

14 (d) "Rent constituting property taxes" means 25% of rent if heat is not
15 included, or 20% of rent if heat is included, paid during the taxable year for
16 which credit is claimed under this section, at arm's length, for the use of a
17 principal dwelling and contiguous land, excluding any payment for domestic,
18 food, medical or other services which are unrelated to use of the dwelling as
19 housing, less any rent paid that is properly includable as a trade or business
20 expense under the internal revenue code. "Rent" includes space rental paid to
21 a landlord for parking a mobile home. Rent shall be proportioned among the
22 occupants of a principal dwelling according to their respective contribution
23 to the total amount of rent paid. "Rent" does not include rent paid for the
24 use of housing which was exempt from property taxation, except housing for
25 which payments in lieu of taxes were made under s. 66.40 (22).

26 (2) Subject to the limitations under this section, a claimant may claim
27 as a credit against, but not to exceed the amount of taxes under s. 71.01 (1),
28 6.9% of the first \$2,000 of property taxes or rent constituting property

1 taxes, or 6.9% of the first \$1,000 of property taxes or rent constituting
2 property taxes of a married person filing separately.

3 (3) For an unmarried person or a married person filing a separate return
4 who is a part-year resident of this state, the credit under this section is
5 limited to that fraction of the amount determined under this section that
6 Wisconsin adjusted gross income is of federal adjusted gross income. No
7 credit is allowed under this section for unmarried persons or married persons
8 filing separate returns who are nonresidents of this state. If one spouse is
9 not domiciled in this state during the entire taxable year, the credit on a
10 joint return is determined by multiplying the school property tax credit that
11 would be available to them if both spouses were domiciled in this state during
12 the entire taxable year by a fraction the numerator of which is their joint
13 Wisconsin adjusted gross income and the denominator of which is their joint
14 federal adjusted gross income. No credit is allowed under this section on a
15 joint return if both spouses are nonresidents of this state.

16 (4) No credit may be allowed under this section unless it is claimed
17 within the period specified in s. 71.10 (10) (bn).

18 (5) In any case in which a principal dwelling is rented by a person from
19 another person under circumstances deemed by the department of revenue to be
20 not at arm's length, the department may determine rent at arm's length, and,
21 for purposes of this section, such determination shall be final.

22 (6) The department of revenue, on its forms and instructions, shall refer
23 to the credit under this section as the school property tax credit.

24 SECTION 1472m. 71.60 (1) of the statutes is amended to read:

25 71.60 (1) IMPOSITION. In addition to the tax under s. 71.01 (1), for
26 taxable year 1986 there is imposed on every natural person, married couple
27 filing jointly, trust and estate a minimum tax equal to 55% of the federal

1 alternative minimum tax owed under section 55 of the internal revenue code as
2 amended to December 31, 1986.

3 SECTION 1475m. 71.60 (1) of the statutes, as affected by 1987 Wisconsin
4 Act (this act), is repealed and recreated to read:

5 71.60 (1) IMPOSITION. If the tax imposed on a natural person, married
6 couple filing jointly, trust or estate under s. 71.01 (1), not considering the
7 credits under s. 71.09 (7), (7m) and (11) and payments to other states under
8 s. 71.09 (8), is less than the tax under this section, there is imposed on
9 that natural person, married couple filing jointly, trust or estate, instead
10 of the tax under s. 71.01 (1), an alternative minimum tax computed as follows:

11 (a) 1. Adjust the alternative minimum taxable income, as defined in
12 section 55 (b) (2) of the internal revenue code by the amounts under s. 71.05,
13 except s. 71.05 (1) (b) 16 to 18 and (d) 2, by the amounts needed to modify
14 federal alternative tax net operating loss deductions to reflect differences
15 between Wisconsin net operating loss deductions and federal net operating loss
16 deductions for minimum tax purposes and by the amounts needed to include all
17 capital gains that are excluded from the tax imposed under s. 71.01. The
18 department of revenue shall by rule define Wisconsin net operating loss
19 deductions for minimum tax purposes.

20 2. Subtract the amount under section 57 (a) (5) of the internal revenue
21 code from the amount under subd. 1.

22 3. For nonresidents and part-year residents, adjust the amount under
23 subd. 2 so that itemized deductions and personal exemptions are prorated on
24 the basis of the ratio of Wisconsin adjusted gross income to federal adjusted
25 gross income.

26 4. Subtract from the amount under subd. 3 the appropriate amount under
27 section 55 (d) (1) and (3) of the internal revenue code except that surviving
28 spouses shall be treated as single individuals, except that the amount under

1 subd. 3, not the federal alternative minimum taxable income, shall be used in
2 calculating the phase-out and except that for nonresidents and part-year
3 residents the amount under section 55 (d) (1) and (3) of the internal revenue
4 code shall be prorated on the basis of the ratio of Wisconsin adjusted gross
5 income to federal adjusted gross income.

6 (b) Multiply the amount under par. (a) by 6.5%.

7 SECTION 1476m. 71.60 (4) of the statutes is repealed and recreated to
8 read:

9 71.60 (4) TAX BENEFIT RULE. The department of revenue shall promulgate
10 rules to provide that the amount under sub. (1) (a) 3 may be reduced to pre-
11 vent the inclusion of any amounts that do not reflect a benefit in respect to
12 the tax imposed under s. 71.01 (1).

13 SECTION 1477m. 71.60 (5) of the statutes is repealed.

14 ••87b1162/1 •• 87b1226/2••SECTION 1477o. 71.61 of the statutes is created
15 to read:

16 71.61 CORPORATE MINIMUM TAX. (1) In addition to the tax imposed under
17 s. 71.01 (1) or (2), there is imposed on every corporation subject to the tax
18 under s. 71.01 (1) or (2) a minimum tax computed as follows:

19 (a) Adjust net apportionable income of corporations subject to appor-
20 tionment and net Wisconsin income of businesses subject to separate accounting
21 in the manner under section 56, except section 56 (a) (4), and section 58 of
22 the internal revenue code.

23 (b) Add to the amount under par. (a) the preferences under section 57 of
24 the internal revenue code to the extent those preferences reduce net income as
25 calculated for purposes of the tax imposed under s. 71.01 (1) or (2).

26 (c) Multiply the amount under par. (b) by the apportionment percentage
27 under s. 71.07 applicable to the corporation for purposes of the tax imposed
28 under s. 71.01 (1) or (2) if the corporation is subject to apportionment.

1 (d) Add nonapportionable income that has a situs in this state to the
2 amount under par. (c).

3 (e) From the amount under par. (d) subtract the Wisconsin minimum tax net
4 operating loss under s. 71.06 as adjusted under rules promulgated by the
5 department of revenue.

6 (f) Multiply the exemption amount under section 55 (d) (2) and (3) of the
7 internal revenue code by the apportionment percentage under s. 71.07 appli-
8 cable to the corporation for purposes of the tax imposed under s. 71.01 (1) or
9 (2) if the corporation is subject to apportionment.

10 (g) Subtract the amount under par. (f) from the amount under par. (e).

11 (h) Subtract from the amount under par. (g), if the corporation is a
12 tax-option corporation, the portion of that amount equal to the ownership
13 percentage of shareholders who are residents of this state and of nonresident
14 shareholders who file individual returns for purposes of the tax imposed under
15 s. 71.01 or 71.60.

16 (i) Multiply the amount under par. (h) by 4.7%.

17 (j) Subtract the credit under s. 71.043 from the amount under par. (i).

18 (k) Subtract the tax under s. 71.01 (1) or (2) after the application of
19 all credits from the amount under par. (j).

20 (2) The department of revenue may impose, enforce and collect the minimum
21 tax provided in this section and may take any action, conduct any proceeding
22 and in all respects proceed as it is authorized in respect to income taxes
23 imposed in this chapter. The income tax and franchise tax provisions relating
24 to assessments, refunds, appeals, collection, interest and penalties shall
25 apply to the minimum tax under this section.

26 SECTION 1477p. 71.65 (1) (a) of the statutes is amended to read:

27 71.65 (1) (a) Tax under s. 71.09 (1b), (1e) ~~or~~, (1f), (1g) or (1h).

1 ••87a1068/2••SECTION 1478m. 71.65 (1) (d) of the statutes is created to
2 read:
3 71.65 (1) (d) School property tax credit under s. 71.53.
4 ••87b2005/2 •• 87b2007/3••SECTION 1478s. 71.65 (1) (e) of the statutes is
5 created to read:
6 71.65 (1) (e) Handicapped access credit under s. 71.09 (12h).
7 SECTION 1479m. 71.65 (1) (fm) of the statutes is renumbered 71.65 (1)
8 (gm).
9 ••87a1072/2••SECTION 1480m. 71.65 (1) (g) of the statutes is amended to
10 read:
11 71.65 (1) (g) ~~Minimum~~ Alternative minimum tax under s. 71.60, including
12 any surtax on alternative minimum tax.
13 ••87b1629/3 •• 87b1990/en••SECTION 1480n. 71.65 (1) (L) of the statutes
14 is amended to read:
15 71.65 (1) (L) The total of claim of right credit under s. 71.09 (12cr),
16 farmland preservation credit under s. 71.09 (11), homestead credit under s.
17 71.09 (7), employe tax credit under s. 71.09 (12et), estimated tax payments
18 under s. 71.21 and taxes withheld under s. 71.19.
19 ••87b2005/2 •• 87b2007/3••SECTION 1480na. 71.65 (2) (cm) of the statutes
20 is created to read:
21 71.65 (2) (cm) Handicapped access credit under s. 71.09 (12h).
22 ••87b1629/3 •• 87b1990/en••SECTION 1480o. 71.65 (2) (g) of the statutes
23 is amended to read:
24 71.65 (2) (g) The total of farmland preservation credit under s. 71.09
25 (11), employe tax credit under s. 71.09 (12et) and estimated tax payments
26 under s. 71.22.
27 ••87b1162/1 •• 87b1226/2••SECTION 1480p. 71.65 (2) (h) of the statutes is
28 created to read:

1 71.65 (2) (h) Corporate minimum tax under s. 71.61.

2 SECTION 1481m. Chapter 72 (title) of the statutes is amended to read:

3 CHAPTER 72

4 ~~INHERITANCE, ESTATE AND GIFT TAX~~

5 SECTION 1482m. Subchapter I (title) of chapter 72 of the statutes is
6 repealed.

7 ••87b1912/2 •• 87b2007/3••SECTION 1483t. 72.01 (3) of the statutes is
8 repealed.

9 SECTION 1484m. 72.01 (10) of the statutes is repealed.

10 SECTION 1485m. 72.01 (11) of the statutes is amended to read:

11 72.01 (11) "Estate" means all property of a decedent transferred ~~to dis-~~
12 ~~tributees~~ by reason of ~~his~~ the decedent's death.

13 SECTION 1486m. 72.01 (12) of the statutes is repealed.

14 SECTION 1487m. 72.01 (14), (15) and (15m) of the statutes are repealed.

15 SECTION 1488m. 72.01 (17) of the statutes is amended to read:

16 72.01 (17) "Power of appointment" means any general power to appoint, as
17 defined by section 2041 (relating to estate taxes) or 2514 (relating to gift
18 taxes) of the internal revenue code, as amended to December 31, ~~1985~~ 1986, as
19 it applies to taxable year 1987 and subsequent years. Amendments to the
20 internal revenue code enacted after December 31, 1986, do not apply to this
21 subsection with respect to taxable year 1987 and thereafter.

22 SECTION 1489m. 72.01 (17) of the statutes, as affected by 1987 Wisconsin
23 Act (this act), is repealed.

24 SECTION 1490m. 72.02 of the statutes is created to read:

25 72.02 ESTATE TAX IMPOSED. An estate tax is imposed upon the transfer of
26 all property that is subject to a federal estate tax and that has a taxable
27 situs in this state. The tax imposed is equal to the credit allowed for state
28 death taxes against the federal estate tax as finally determined. If only a

1 portion of a decedent's property has a taxable situs in this state, the tax
2 imposed is the amount obtained by multiplying the federal credit allowed for
3 state death taxes by a fraction the numerator of which is the value of the
4 decedent's estate that has a taxable situs in this state and the denominator
5 of which is the total value of the property in the estate that qualifies for
6 the federal credit allowed for state death taxes.

7 SECTION 1491m. 72.05 of the statutes is repealed.

8 SECTION 1492m. 72.06 of the statutes is amended to read:

9 72.06 CONFIDENTIALITY OF TAX RETURNS. Section 71.11 (44) ~~(a)~~ and (c) to
10 (h) applies to any information obtained from any person by the department on
11 ~~an inheritance or estate~~ a death tax return, report, schedule, exhibit or
12 other document or from an audit report pertaining to the tax return.

13 SECTION 1493m. 72.07 of the statutes is repealed.

14 SECTION 1494m. Subchapter II (title) of chapter 72 of the statutes is
15 repealed.

16 SECTION 1495m. 72.12 to 72.17 of the statutes, as affected by 1987
17 Wisconsin Act (this act), are repealed.

18 SECTION 1496m. 72.12 (4) (c) 1 of the statutes is amended to read:

19 72.12 (4) (c) 1. Benefits paid to a beneficiary under an employe benefit
20 plan are taxable under this subchapter except to the extent that the propor-
21 tionate share resulting from the employer's contribution would be excludable
22 from the gross estate of the decedent under section 2039 of the internal
23 revenue code as amended to December 31, ~~1985~~ 1986, as it applies to taxable
24 year 1987 and subsequent years. Amendments to the internal revenue code
25 enacted after December 31, 1986, do not apply to this subdivision with respect
26 to taxable year 1987 and thereafter. This subsection applies whether or not
27 there is a requirement for filing a federal estate tax return.

28 SECTION 1497m. 72.14 (1) (c) of the statutes is amended to read:

1 72.14 (1) (c) Expenses of administration ~~to the extent~~ incurred because
2 of the decedent's death and not claimed for income tax purposes under ch. 71,
3 including but not limited to personal representative fees, guardian ad litem
4 fees, court filing fees, personal representative bond and similar expenses but
5 not including such expenses as inheritance and estate taxes paid to any other
6 state, territory, district or country; expenses of care, maintenance or repair
7 of real property or tangible personal property incurred or accrued after the
8 decedent's death; interest on obligations of the decedent or the estate
9 incurred or accrued after the decedent's death; and expenses incurred or
10 accrued in the sale of property unless the proceeds are necessary to pay other
11 allowable claims or deductions under this subsection.

12 SECTION 1498m. 72.15 (1) (a) 2 of the statutes is amended to read:

13 72.15 (1) (a) 2. Corporations, trusts, voluntary associations or founda-
14 tions organized and operated exclusively for religious, humane, charitable,
15 scientific or educational purposes, except that a transfer to a cemetery is
16 exempt under this subdivision only if that transfer is not specifically for
17 the benefit of the decedent or any other designated person;

18 SECTION 1499m. 72.17 (4) (b) of the statutes is amended to read:

19 72.17 (4) (b) To the cemetery in which the deceased is buried, property
20 of a clear market value of \$500 if that transfer is specifically for the
21 benefit of the decedent or of any other designated person and if that cemetery
22 is not operated for profit.

23 SECTION 1500m. 72.18 of the statutes, as affected by 1987 Wisconsin Act
24 (this act), is repealed.

25 SECTION 1501m. 72.18 (intro.) of the statutes is amended to read:

26 72.18 RATES. (intro.) When property is transferred by reason of a death
27 to or for the use of a distributee, a tax is imposed which shall be reduced by
28 20% for transfers because of deaths occurring in 1988, by 40% for transfers in

1 1989, by 60% for transfers because of deaths occurring in 1990, by 80% for
2 transfers occurring in 1991 and by 100% for transfers occurring in 1992 and
3 thereafter at the following rates:

4 SECTION 1502m. 72.19 of the statutes is repealed.

5 SECTION 1503m. 72.20 of the statutes is repealed.

6 SECTION 1504m. 72.21 (3) of the statutes is repealed.

7 SECTION 1505m. 72.22 (1) of the statutes is amended to read:

8 72.22 (1) WHEN PAYABLE. The tax imposed by this ~~subchapter~~ chapter is
9 due and payable ~~at the time of~~ on the date 9 months after the decedent's
10 death.

11 SECTION 1506m. 72.22 (3) of the statutes is amended to read:

12 72.22 (3) PAYMENT. Payments must be made to the department. ~~Except as~~
13 ~~provided in sub. (4), full~~ Full payment shall accompany the ~~inheritance~~ estate
14 tax return. If a prepayment was made, any additional tax shown owing on the
15 return, as filed, shall accompany the return.

16 SECTION 1507m. 72.22 (4) of the statutes, as affected by 1987 Wisconsin
17 Act (this act), is repealed.

18 SECTION 1508m. 72.22 (4) (a) of the statutes is amended to read:

19 72.22 (4) (a) Whether or not there is a federal estate tax liability, ~~if~~
20 ~~the estate would be authorized to pay federal estate taxes under section 6166~~
21 ~~of the internal revenue code, as amended to December 31, 1985, in lieu of full~~
22 ~~payment, payment may be made according to an equal payment schedule over a~~
23 ~~period not to exceed 15 years from the decedent's date of death, if the estate~~
24 would be authorized to pay federal estate taxes under section 6166 of the
25 internal revenue code as amended to December 31, 1986, as it applies to tax-
26 able year 1987 and subsequent years. Amendments to the internal revenue code
27 enacted after December 31, 1986, do not apply to this paragraph with respect
28 to taxable year 1987 and thereafter. If an election is made under this

1 subsection, the election shall apply only to the portion of the tax payable by
2 a distributee which is determined by dividing the value of property received
3 by a distributee which qualifies an estate for the election under the internal
4 revenue code by the value of all property received by the distributee. A
5 distributee electing to pay under this subsection may subsequently pay part or
6 all of the remaining tax plus interest at the time any scheduled payment is
7 due under this subsection. Interest on instalment payments under this sub-
8 section shall be computed under s. 72.23 at 12% per year.

9 SECTION 1509m. 72.23 (title) of the statutes is repealed.

10 SECTION 1510m. 72.23 (1) of the statutes is renumbered 72.23 and amended
11 to read:

12 72.23 (title) INTEREST. If the tax imposed by this ~~subchapter~~ chapter
13 is not paid within ~~one year~~ 9 months of the decedent's date of death, interest
14 is due and payable at the rate of 12% per year from date of death. In
15 computing time under this section, the day of death is excluded.

16 SECTION 1511m. 72.23 (2) of the statutes is repealed.

17 SECTION 1512m. 72.25 of the statutes is repealed.

18 SECTION 1513m. 72.26 of the statutes is repealed.

19 SECTION 1514m. 72.28 of the statutes is repealed.

20 SECTION 1515m. 72.29 of the statutes is repealed.

21 SECTION 1516m. 72.30 (1) (title) of the statutes is repealed.

22 SECTION 1517m. 72.30 (1) (a) of the statutes is renumbered 72.30 (1) and
23 amended to read:

24 72.30 (1) (title) FILING REQUIREMENTS. ~~Except as provided in par. (b)~~
25 If a federal estate tax return is required, the personal representative, spe-
26 cial administrator, trustee, distributee or other person interested shall
27 prepare the ~~inheritance~~ estate tax return, compute the tax, if any, due under
28 this ~~subchapter~~ chapter and file the original with the department.

1 SECTION 1518m. 72.30 (1) (b) of the statutes is repealed.

2 SECTION 1519m. 72.30 (2) of the statutes is repealed.

3 SECTION 1520m. 72.30 (3) (a) of the statutes is repealed.

4 SECTION 1521m. 72.30 (3) (b) of the statutes is repealed.

5 SECTION 1522m. 72.30 (3) (bm) of the statutes is repealed.

6 SECTION 1523m. 72.30 (3) (c) of the statutes is renumbered 72.30 (3) and
7 amended to read:

8 72.30 (3) (title) CERTIFICATE OF TAX. Upon ~~determination of the value of~~
9 ~~the property and receipt of the return and payment of the tax~~, the department
10 shall issue a dated certificate showing the amount of tax and any interest and
11 ~~penalty, or showing the amount of tax and stating that payment will be made~~
12 ~~under s. 72.22 (4).~~

13 SECTION 1524m. 72.30 (3) (d) of the statutes is repealed.

14 SECTION 1525m. 72.30 (3) (e) of the statutes is repealed.

15 SECTION 1526m. 72.30 (4) of the statutes is amended to read:

16 72.30 (4) HEARING IN CIRCUIT COURT. The attorney general, department,
17 district attorney or any person dissatisfied with the appraisal, assessment or
18 determination of the tax due under this ~~subchapter~~ chapter may apply for a
19 hearing before the circuit court within 6 months from the date the certificate
20 in sub. (3) ~~(e)~~ is issued. The applicant must file a written notice with the
21 court stating the grounds of the application. No statute of limitations shall
22 run against the department in cases of fraud or collusion or where property is
23 not disclosed in the return.

24 SECTION 1527m. 72.30 (5) of the statutes is repealed.

25 SECTION 1528m. 72.30 (6) of the statutes is repealed.

26 SECTION 1529m. 72.30 (7) of the statutes is amended to read:

27 72.30 (7) COLLECTION. In addition to its powers to collect taxes due
28 under this ~~subchapter~~ chapter, the department may proceed in the manner pro-

1 vided in ss. 71.13 (3) and 71.135. All payments under this ~~subchapter or~~
2 ~~subch. III chapter~~ after their due date shall be applied first in discharging
3 costs and interest and the balance applied on the tax principal.

4 SECTION 1530m. 72.31 (title) of the statutes is repealed.

5 SECTION 1531m. 72.31 (1) and (2) (title), (a) and (c) of the statutes are
6 renumbered 867.05 (5) and (6) (title), (a) and (c), and 867.05 (5) (intro.)
7 and (a) and (6) (a), as renumbered, are amended to read:

8 867.05 (5) (title) SPECIAL ADMINISTRATION. (intro.) When no adminis-
9 tration proceeding has been commenced or no complete tax return has been
10 filed, any person, including the department of revenue, interested in the
11 property, the transfer of which is subject to tax under ~~subchs. II and III ch.~~
12 72, may petition for appointment of a special administrator with powers to
13 determine the tax, if:

14 (a) No petition for administration of property of a decedent is made
15 within 60 days after the decedent's death and the property's transfer appears
16 to be taxable under ~~subch. II or III ch. 72~~;

17 (6) (a) Prior to acting under sub. ~~(1)~~ (5), the special administrator
18 shall, by certified mail, notify the distributee of the basis of his or her
19 authority under sub. ~~(1)~~ (5).

20 SECTION 1532m. 72.31 (2) (b) of the statutes is repealed.

21 SECTION 1533m. 72.33 (1) and (2) (intro.) of the statutes are amended to
22 read:

23 72.33 (1) The person filing the return required by s. 72.30 (1) ~~(a)~~ shall
24 attach a copy of the federal return filed for the transfer of property taxable
25 under this ~~subchapter or subch. III chapter~~, together with a copy of the
26 closing letter, if available, and proof of payment.

27 (2) (intro.) If the amount of the federal estate tax initially paid is
28 subsequently increased or decreased the person entitled to the refund or

1 liable for the additional tax under ~~subch. II or III~~ this chapter shall,
2 within 30 days:

3 SECTION 1534m. 72.33 (4) of the statutes is repealed.

4 SECTION 1535m. 72.34 (1) to (5) and (6) (a) of the statutes are repealed.

5 SECTION 1536m. 72.34 (6) (b) of the statutes is renumbered 72.34 and
6 amended to read:

7 72.34 (title) NOTICE OF OBLIGATIONS. Every person liable for paying
8 benefits to the estate or a beneficiary of a deceased employe or former
9 employe in the form of an annuity, bonus, pension or other benefit under a
10 retirement, deferred compensation or profit-sharing plan taxable under this
11 ~~subchapter~~ chapter, directly or through a trust or fund created by the
12 employer for such purpose, shall give notice of such obligation to the
13 department within 30 days following the date of payment, or the date of the
14 initial payment if more than one payment is forthcoming, to the estate or any
15 beneficiary of such employe or former employe.

16 SECTION 1537m. Subchapter III (title) of chapter 72 of the statutes is
17 repealed.

18 SECTION 1538m. 72.60 of the statutes is renumbered 72.005 and amended to
19 read:

20 72.005 PURPOSE. The purpose of this ~~subchapter~~ chapter is to obtain for
21 Wisconsin the benefit of the maximum credit allowable upon the United States
22 estate tax, to the full extent that this state may be entitled, by imposing
23 this ~~additional~~ tax. This ~~subchapter~~ chapter is to be liberally construed to
24 effect this purpose.

25 SECTION 1539m. 72.61 to 72.64 of the statutes are repealed.

26 SECTION 1540m. Subchapter IV of chapter 72 of the statutes, as affected
27 by 1987 Wisconsin Act (this act), is repealed.

28 SECTION 1541m. 72.83 of the statutes is amended to read:

1 72.83 RATES. When the value of transfers within the same calendar year
2 exceeds the exemptions allowed under s. 72.82, the tax upon transfers to
3 classes of donees specified in s. 72.80 is imposed upon the same amounts ~~and,~~
4 at the same rates as imposed on classes of distributees under s. 72.18 and
5 with the same annual reductions of tax as under s. 72.18.

6 SECTION 1542m. 73.01 (4) (h) of the statutes is created to read:

7 73.01 (4) (h) The commission may extend any of its deadlines for persons
8 designated in section 7508 (a) of the internal revenue code for the length of
9 time specified in that section.

10 SECTION 1543m. 73.01 (4) (i) of the statutes is created to read:

11 73.01 (4) (i) If the department of revenue assesses under s. 71.11 (21)
12 (f), the commission shall consolidate the appeals of that assessment.

13 SECTION 1544m. 73.03 (20) of the statutes is amended to read:

14 73.03 (20) To investigate all delinquent personal property, death and
15 income taxes and surtaxes in the ~~several counties of the state~~ and the pos-
16 sibility of the collection ~~thereof~~ of them and to require taxing officials,
17 including town treasurers, county treasurers, sheriffs and district attorneys
18 ~~of their respective counties,~~ to institute proceedings, actions and prose-
19 cutions for the collection of such delinquent taxes ~~to the end~~ so that the
20 amount of such delinquent taxes shall be reduced to the minimum. In carrying
21 out ~~the provisions of~~ this subsection the department of revenue ~~is empowered~~
22 to may examine or cause to be examined by any agent, employe or representative
23 designated by it for that purpose, any books, papers, records or memoranda of
24 any corporation, copartnership or individual, bearing upon ~~the matter of the~~
25 collection of any such delinquent taxes, and may require the attendance of the
26 officials of any corporation, or of any other person having knowledge in the
27 premises, and may take testimony and require proof material for their
28 information upon any matter that they may deem of value for the purpose of

1 enforcing the payment of ~~such~~ delinquent taxes. ~~Said~~ The department of
2 revenue ~~is further empowered to do and may also~~ perform such other duties and
3 adopt ~~such other procedure as~~ procedures that may be necessary to carry out
4 ~~the provisions of~~ this subsection, and ~~to~~ direct that proceedings, actions and
5 prosecutions be instituted to enforce the laws relating to the collection of
6 ~~such~~ delinquent taxes of every kind ~~and nature; to.~~ To this end, the depart-
7 ment of justice shall, upon the request of the department of revenue, conduct
8 such actions, proceedings, or prosecutions, or assist the local town, city,
9 village or county officials ~~therein~~ in them.

10 ••87-1106/1••SECTION 1552. 73.03 (33) of the statutes is created to read:

11 73.03 (33) To collect an administrative fee of \$3, each time the depart-
12 ment issues a warrant under s. 71.13 (3) (a), from the person against whom the
13 warrant is filed.

14 SECTION 1552e. 73.03 (34) of the statutes is created to read:

15 73.03 (34) To extend any deadline in regard to the taxes it administers
16 for persons designated in section 7508 (a) of the internal revenue code for
17 the length of time specified in that section.

18 ••87b0502/2••SECTION 1552g. 74.03 (1g) of the statutes, as created by
19 1985 Wisconsin Act 29, is repealed.

20 ••87b0502/2••SECTION 1552r. 74.03 (1r) of the statutes is renumbered
21 74.03 (1).

22 ••87-2304/4••SECTION 1553. 74.03 (5) (am) of the statutes is repealed.

23 ••87b0502/2••SECTION 1554a. 74.03 (5) (d) 3 of the statutes, as affected
24 by 1985 Wisconsin Act 29, is amended to read:

25 74.03 (5) (d) 3. The town, city or village treasurer shall then pay to
26 each metropolitan sewerage district treasurer, school district treasurer ~~and,~~
27 vocational, technical and adult education district treasurer and to the board
28 of commissioners of the Yahara watershed management district, the proportions

1 of the ~~net~~ levy of the district as the balance of the general property taxes
2 collected in the town, city or village bears to the total general property tax
3 levy therein for all purposes included in the tax roll, exclusive of levies
4 for state trust fund loans, state taxes, and state special charges, ~~the offset~~
5 ~~and school district levies offset by school aid credits paid under s. 79.10~~
6 ~~(3)~~.

7 ••87b0502/2••SECTION 1554g. 74.03 (8) (f) of the statutes, as affected by
8 1985 Wisconsin Act 29, is amended to read:

9 74.03 (8) (f) Out of the remaining proceeds of the general taxes col-
10 lected for each town, city or village, the county treasurer shall first set
11 aside and pay to the state treasurer the balance due on state trust fund
12 loans. The county treasurer shall then pay to each town, city, village, spe-
13 cial purpose district, school district or vocational, technical and adult
14 education district treasurer or to the treasurer of a metropolitan sewerage
15 district created under ss. 66.88 to 66.918 such proportions of the balances
16 due on ~~net~~ levies for special purpose district purposes, for school purposes,
17 for vocational, technical and adult education district purposes, for metro-
18 politan sewerage district purposes and for town, city or village purposes that
19 the balance of the general taxes collected in such town, city or village bears
20 to the total balance then due on all general levies, ~~exclusive of the offset~~.
21 The county treasurer shall retain like proportions of the balances due on
22 county school tax, other county taxes and county special charges. The county
23 treasurer shall remit state taxes and state special charges to the state
24 treasurer as provided in s. 74.26, and likewise remit the amount retained for
25 county school taxes as provided by law.

26 ••87b0502/2••SECTION 1554n. 74.03 (9) (a) of the statutes, as affected by
27 1985 Wisconsin Act 29, is amended to read:

1 74.03 (9) (a) Subsequent to the settlement provided in sub. (8), the
2 county treasurer shall on the 20th day of each month make payments to the
3 treasurer of the state and of each town, city or village out of the proceeds
4 of the delinquent taxes and special assessments of such town, city or village,
5 other than those referred to in par. (h), collected by him or her up to and
6 including the last day of the preceding month which have not been included in
7 a previous settlement, until the state and each town, city, village or school
8 district shall have received in full their ~~net~~ levies for that year on the
9 property of such town, city or village. Such payments of taxes shall be made
10 by the county treasurer out of the taxes collected for each town, city or
11 village in the order of preferences set forth in pars. (b) to (g). On those
12 days the county treasurer shall also pay to every taxing jurisdiction for
13 which it collects delinquent taxes that jurisdiction's share, based on its
14 proportion of the delinquent taxes collected by the county, of the interest
15 collected by the county under s. 74.80 and not previously paid to those
16 jurisdictions.

17 ••87b0502/2••SECTION 1554r. 74.03 (9) (f) of the statutes, as affected by
18 1985 Wisconsin Act 29, is amended to read:

19 74.03 (9) (f) The county treasurer shall next pay to the treasurer of
20 each school district and vocational, technical and adult education district
21 the proportion of the balance due on school ~~net~~ levies and vocational, tech-
22 nical and adult education district ~~net~~ levies that the balance of the general
23 taxes collected since the last settlement in the town, city or village minus
24 amounts due under pars. (a) to (e) has to the total balance then due on all
25 general levies on the property of that town, city or village until each dis-
26 trict has received its total levy on that property. The county treasurer
27 shall then pay to the treasurer of each town, city, village or special purpose
28 district the proportion of the balance due on town, city, village or special

1 purpose district ~~net levies taxes~~ that the balance of the general taxes col-
2 lected since the last settlement in the town, city or village minus amounts
3 due under pars. (a) to (e) has to the total balance then due on all general
4 levies on the property of that town, city or village until the town, city,
5 village or special purpose district has received its total levy on that
6 property.

7 ••87b0502/2••SECTION 1554w. 74.03 (9) (g) of the statutes, as affected by
8 1985 Wisconsin Act 29, is amended to read:

9 74.03 (9) (g) The treasurer shall finally retain any balance due on
10 account of other county ~~net levies taxes~~ and charges.

11 ••87-2304/4••SECTION 1555. 74.031 (8) (am) of the statutes is repealed.

12 ••87b0502/2••SECTION 1556c. 74.031 (8) (d) 3 of the statutes, as affected
13 by 1985 Wisconsin Act 29, is amended to read:

14 74.031 (8) (d) 3. The city, village or town treasurer shall then pay to
15 each metropolitan sewerage district treasurer, school district treasurer ~~and~~
16 vocational, technical and adult education district treasurer and to the board
17 of commissioners of the Yahara watershed management district the proportions
18 of the ~~net~~ levy of the district as the balance of the general property taxes
19 collected in the city, village or town bears to the total general property tax
20 levy therein for all purposes included in the tax roll, exclusive of levies
21 for state trust fund loans, state taxes, state special charges, ~~the offset as~~
22 ~~defined in s. 74.03 (1g) (b)~~ and school district levies offset by school aid
23 credits paid under s. 79.10 (3).

24 ••87b0502/2••SECTION 1556g. 74.031 (8) (d) 3 of the statutes, as affected
25 by 1985 Wisconsin Act 29 and 1987 Wisconsin Act (this act), is repealed
26 and recreated to read:

27 74.031 (8) (d) 3. The city, village or town treasurer shall then pay to
28 each metropolitan sewerage district treasurer, school district treasurer,

1 vocational, technical and adult education district treasurer and to the board
2 of commissioners of the Yahara watershed management district the proportions
3 of the levy of the district as the balance of the general property taxes col-
4 lected in the city, village or town bears to the total general property tax
5 levy therein for all purposes included in the tax roll, exclusive of levies
6 for state trust fund loans, state taxes and state special charges.

7 ••87b0502/2••SECTION 1556m. 74.031 (11) (f) of the statutes, as affected
8 by 1985 Wisconsin Act 29, is amended to read:

9 74.031 (11) (f) The county treasurer shall next pay to the treasurer of
10 each school district and vocational, technical and adult education district
11 the proportion of the balance due on school ~~net~~ levies and vocational, tech-
12 nical and adult education district ~~net~~ levies that the balance of the general
13 taxes collected since the last settlement in the town, city or village minus
14 amounts due under pars. (a) to (e) has to the total balance then due on all
15 general levies on the property of that town, city or village until each dis-
16 trict has received its total levy on that property. The county treasurer
17 shall then pay to the treasurer of each town, city, village or special purpose
18 district the proportion of the balance due on city, village, town or special
19 purpose district ~~net levies, as defined in s. 74.03 (1g) (a), taxes~~ that the
20 balance of the general taxes collected since the last settlement in the town,
21 city or village minus amounts due under pars. (a) to (e) has to the total
22 balance then due on all general levies on the property of that town, city or
23 village until the town, city, village or special purpose district has received
24 its total levy on that property.

25 ••87b0502/2••SECTION 1556s. 74.031 (11) (g) of the statutes, as affected
26 by 1985 Wisconsin Act 29, is amended to read:

1 74.031 (11) (g) He or she shall finally retain any balance due on account
2 of other county ~~net levies, as defined in s. 74.03 (1g) (a),~~ taxes and
3 charges.

4 SECTION 1557m. 74.39 of the statutes is amended to read:

5 74.39 SALE OF REAL ESTATE. On the day designated in the notice of sale
6 the county treasurers shall begin the sale of those lands on which the taxes,
7 penalty and interest have not been paid and shall continue every day, Sundays
8 excepted, until enough of each parcel has been sold to pay the taxes, interest
9 and penalty as provided under s. 74.80 upon the amount of such taxes from
10 January 1 of the next year after the tax levy. ~~Of the proceeds of the sale,~~
11 ~~an amount equal to the actual costs of the sale and the taxes, penalty and~~
12 ~~interest shall be paid into the county treasury, any special assessments owed~~
13 ~~and penalties and interest in respect to those assessments shall be sent to~~
14 ~~the unit of government to which they are owed and the remainder of the pro-~~
15 ~~ceeds shall be paid to the person whose property was sold~~ All moneys received
16 from that sale shall be paid into the county treasury. If the treasurer dis-
17 covers before the sale that because of irregular assessment or any other error
18 any of the lands ought not to be sold, the treasurer shall not offer them for
19 sale but shall report the lands withheld from sale and the reasons for with-
20 holding them to the county board at its next session.

21 SECTION 1558m. 74.46 (3) of the statutes is created to read:

22 74.46 (3) The proceeds from any assignment of tax certificates by the
23 county under sub. (2) are subject to the procedure under s. 75.35 (5) for
24 distribution of proceeds.

25 SECTION 1559m. 75.34 (3) of the statutes is created to read:

26 75.34 (3) Section 75.35 (5) applies to the proceeds from the sale of tax
27 certificates under sub. (1).

28 SECTION 1560m. 75.35 (5) of the statutes is created to read:

1 75.35 (5) NOTICE; PROCEEDS. Upon acquisition of a deed under s. 75.14,
2 the county treasurer shall notify the former owner, by registered mail sent to
3 the former owner's mailing address on the tax bill, that the former owner may
4 be entitled to a share of the proceeds of a future sale. If the former owner
5 does not request, in writing, payment within 60 days after receipt of that
6 notice, the former owner forfeits all claim to those proceeds. If the former
7 owner timely requests payment and if the property is not subject to a special
8 assessment the proceeds of which are pledged under s. 66.54 (10), the county
9 shall send to the former owner the proceeds minus any delinquent taxes,
10 interest and penalties owed by the former owner to the county in regard to
11 other property and minus the greater of the following amounts:

12 (a) Five hundred dollars plus 50% of the amount obtained by subtracting
13 \$500 from the proceeds.

14 (b) The actual costs of the sale as specified under s. 75.36 (7) plus 2%
15 of the sale price plus all delinquent taxes, interest, penalties and special
16 assessments owed on the property sold and plus the amount of property taxes
17 that would have been owed on the property for the year during which the sale
18 occurs if the county had not acquired the property.

19 ••87b0920/3 •• 87b1226/2••SECTION 1560p. 75.35 (6) of the statutes is
20 created to read:

21 75.35 (6) SPECIAL ASSESSMENTS. From the amounts retained under sub. (5),
22 the county shall pay any special assessments owed and penalties and interest
23 on those assessments to the unit of government to which they are owed.

24 ••87b0920/3 •• 87b1226/2••SECTION 1560r. 75.35 (7) of the statutes is
25 created to read:

26 75.35 (7) LIABILITY PRECLUDED. Absent fraud, no county is liable for
27 acts or omissions associated with the sale of property under this section.

28 SECTION 1561m. 75.521 (3) (am) 2 of the statutes is amended to read:

1 75.521 (3) (am) 2. The name or names of the last owner or owners, and
2 mortgagee or mortgagees of ~~such the~~ parcel as ~~such the~~ ownership or mortgage
3 interest appears of record in the office of the register of deeds of the
4 county ~~wherein such~~ in which the parcel is situated, and the state of
5 Wisconsin ~~where~~ if it has a determined but unpaid ~~inheritance~~ death tax lien,
6 a filed, nonoutlawed income tax warrant or a docketed judgment, all in the
7 county where ~~such the~~ parcel is situated.

8 SECTION 1562m. 75.67 (4) of the statutes is created to read:

9 75.67 (4) Section 75.35 (5) applies to sales under this section.

10 ••87a1071/3••SECTION 1563m. 76.28 (1) (d) of the statutes is amended to
11 read:

12 76.28 (1) (d) "Gross revenues" means total operating revenues as reported
13 to the public service commission except revenues for interdepartmental sales
14 and for interdepartmental rents as reported to the public service commission
15 and deductions from the sales and use tax under s. 77.61 (4) less, except that
16 the company may subtract from revenues either the actual cost of power pur-
17 chased for resale, as reported to the public service commission, by a light,
18 heat and power company, except a municipal light, heat and power company, that
19 purchases under federal or state approved wholesale rates more than 50% of its
20 electric power from a person other than an affiliated interest, as defined in
21 s. 196.52 (1), if the revenue from that purchased electric power is included
22 in the seller's gross revenues or the following percentages of the actual cost
23 of power purchased for resale, as reported to the public service commission,
24 by a light, heat and power company, except a municipal light, heat and power
25 company, that purchases more than 90% of its power and that has less than
26 \$50,000,000 of gross revenues: 10% for the fee assessed on May 1, 1988, 30%
27 for the fee assessed on May 1, 1989, and 50% for the fee assessed on May 1,
28 1990, and thereafter.

1 ••87b0891/1 •• 87b1226/2••SECTION 1563p. 76.28 (1) (e) (intro.) of the
2 statutes is amended to read:

3 76.28 (1) (e) (intro.) "Light, heat and power companies" means any
4 person, association, company or corporation, including corporations described
5 in s. 66.069 (2) and except only business enterprises carried on exclusively
6 either for the private use of the person, association, company or corporation
7 engaged in them, or for the private use of a person, association, company or
8 corporation owning a majority of all outstanding capital stock or who control
9 the operation of business enterprises and except ~~cooperative associations~~
10 electric cooperatives taxed under s. 76.48 that engage in any of the following
11 businesses:

12 ••87b1627/3 •• 87b2007/3••SECTION 1563s. 76.38 (1) (aa) of the statutes
13 is created to read:

14 76.38 (1) (aa) "Access expense" means any charge paid by a telephone
15 company to another telephone company for telecommunications services and
16 facilities that permit subscriber origination or termination of telecommuni-
17 cations between a point or points in one telephone exchange and a point or
18 points in another telephone exchange.

19 ••87b1627/3 •• 87b2007/3••SECTION 1563tm. 76.38 (1) (ac) of the statutes,
20 as created by 1985 Wisconsin Act 29, is amended to read:

21 76.38 (1) (ac) "Allocable share of approved reselling services" means
22 actual costs incurred for access expenses and for services under par. (bkm) 1
23 actually utilized in providing the telecommunications services for which the
24 gross revenues are received multiplied by the amount obtained by dividing the
25 sum of the property factor and the originating revenues factor by 2, except
26 that the department may determine the allocable share of approved reselling
27 services based on other facts and circumstances if, in the department's

1 judgment, the formula under this paragraph does not produce a substantially
2 just and correct determination.

3 ••87b1848/2 •• 87b2007/3••SECTION 1563tma. 76.38 (1) (ac) of the
4 statutes, as created by 1985 Wisconsin Act 297, is amended to read:

5 76.38 (1) (ac) "Allocable share of approved reselling services" means
6 actual costs incurred for access expenses and for services under par. (bkm) 1
7 actually utilized in providing the telecommunications services for which the
8 gross revenues are received multiplied by the amount obtained by dividing the
9 sum of the property factor and the originating revenues factor by 2, except
10 that the department may determine the allocable share of approved reselling
11 services based on other facts and circumstances if, in the department's
12 judgment, the formula under this paragraph does not produce a substantially
13 just and correct determination.

14 ••87b0614/3 •• 87b1226/2••SECTION 1564c. 76.38 (1) (b) of the statutes is
15 amended to read:

16 76.38 (1) (b) "Gross revenues" includes all revenue derived from local and
17 rural exchange service, all toll business gross revenue, and all other oper-
18 ating revenues from telecommunications business. It does not include excise
19 taxes on telephone service or facilities nor uncollectible telecommunications
20 revenues actually written off during the year. "Gross revenues" includes re-
21 coveries within the year of all telecommunications revenues written off in
22 prior years as uncollectible. For a telephone company operating on any form
23 of mutual basis, "gross revenues" includes all amounts assessed against the
24 members for the operation and maintenance of the business. "Gross revenues"
25 also includes access revenues and revenues from directory advertising. For
26 qualifying telecommunications resellers, "gross revenues" does not include the
27 allocable share of approved reselling services sold to the public. "Gross
28 revenues" does not include any revenues collected from service users under s.

1 146.70 (3). For fees assessed on May 1, 1989, and thereafter, telecommunica-
2 tions companies, except qualifying telecommunications resellers, may deduct
3 14.5% of the access expenses incurred during the previous year.

4 ••87b0614/3 •• 87b1226/2••SECTION 1564cm. 76.38 (1) (b) of the statutes,
5 as created by 1985 Wisconsin Act 297, is amended to read:

6 76.38 (1) (b) "Gross revenues" includes all revenue derived from local
7 and rural exchange service, all toll business gross revenue, and all other
8 operating revenues from telecommunications business. It does not include
9 excise taxes on telephone service or facilities nor uncollectible telecom-
10 munications revenues actually written off during the year. "Gross revenues"
11 includes recoveries within the year of all telecommunications revenues written
12 off in prior years as uncollectible. For a telephone company operating on any
13 form of mutual basis, "gross revenues" includes all amounts assessed against
14 the members for the operation and maintenance of the business. "Gross
15 revenues" also includes access revenues and revenues from directory
16 advertising. For qualifying telecommunications resellers, "gross revenues"
17 does not include the allocable share of approved reselling services sold to
18 the public. "Gross revenues" does not include any revenues collected from
19 service users under s. 146.70 (3). For fees assessed on May 1, 1989, and
20 thereafter, telecommunications companies, except qualifying telecommunications
21 resellers, may deduct 14.5% of the access expenses incurred during the pre-
22 vious year.

23 SECTION 1564m. 76.38 (1) (c) of the statutes is amended to read:

24 76.38 (1) (c) "Telephone company" means any person operating a telecom-
25 munications facility or providing telecommunications services to another
26 person, including the resale of those services provided by another telephone
27 company ~~but not including the common use by contractual agreement of those~~
28 ~~services provided by a telephone company when that use is not offered to the~~

1 public for hire. "Telephone company" does not include any person who operates
2 a private shared telecommunications system as defined in s. 196.201 (1) and
3 who is not otherwise a telephone company.

4 ••87b1627/3 •• 87b2007/3••SECTION 1564r. 76.38 (2) (a) of the statutes is
5 amended to read:

6 76.38 (2) (a) Every telephone company shall on or before March 1 in each
7 year make and return to the department in such form and upon such blanks as
8 the department prescribes, a true statement of its access expenses and of the
9 gross revenues from the operation of its business during the preceding calen-
10 dar year, which statement shall be certified by the president and treasurer of
11 such company so operating, or 2 of the principal officers thereof. For suf-
12 ficient reason shown, the department may upon written request allow such fur-
13 ther time for making and filing the report as it deems necessary but not to
14 exceed 30 days.

15 SECTION 1565m. 76.38 (2) (c) of the statutes is amended to read:

16 76.38 (2) (c) All other operating revenues attributable to this state
17 which can be definitely assigned to a telephone exchange operated by that
18 telephone company in this state shall be classified as exchange service
19 revenue, but if assignment cannot reasonably be made, those other operating
20 revenues shall be classified as toll business gross revenues. All access
21 revenues are exchange service revenues.

22 SECTION 1566m. 76.38 (3) of the statutes is amended to read:

23 76.38 (3) On or before May 1 the department shall compute and assess the
24 license fees imposed by subs. (4), (5) and (6), with respect to gross revenues
25 of the preceding calendar year and on or before May 1 shall notify each person
26 that was carrying on business as a telephone company on the preceding January
27 1 of the amount of the license fee assessed. Any person who pays the May 1
28 assessment in full has a license to carry on business as a telephone company

1 in this state for the 12-month period beginning on the preceding January 1.
2 The fees assessed by the department shall become delinquent if not paid when
3 due, and when delinquent shall be subject to interest at the rate of 1.5% per
4 month until paid. The department shall transmit all funds received under this
5 section to the state treasurer within 15 days after receipt. The payment dates
6 provided for in sub. (3a) shall apply.

7 ••87a1066/2••SECTION 1567m. 76.38 (4) (e) of the statutes is amended to
8 read:

9 76.38 (4) (e) On the total gross revenues from local and rural exchange
10 service, if such gross revenues equal or exceed \$500,000, 6.75%, except that
11 for the license fees assessed on May 1, 1987, the rate if gross revenues equal
12 or exceed \$500,000 is 6.57% and except that for the license fees assessed on
13 May 1, 1988, ~~and thereafter~~ the rate if gross revenues equal or exceed
14 \$500,000 is 6.333% and except that for license fees assessed on May 1, 1989,
15 and thereafter the rate if gross revenues equal or exceed \$500,000 is 5.9%.

16 SECTION 1569m. 76.38 (5) (k) of the statutes is amended to read:

17 76.38 (5) (k) On the total gross revenues from toll business, if such
18 gross revenues equal or exceed \$700,000 and are less than \$800,000, 8.438%,
19 except that for the license fees assessed on May 1, 1988, ~~and thereafter~~ the
20 rate if gross revenues equal or exceed \$700,000 and are less than \$800,000 is
21 9.365% and except that for the license fees assessed on May 1, 1989, and
22 thereafter the rate if gross revenues equal or exceed \$700,000 and are less
23 than \$800,000 is 8.073%.

24 ••87a1066/2••SECTION 1571m. 76.38 (7) of the statutes is created to read:

25 76.38 (7) Any net decrease in a telephone company's tax under this
26 section because of changes to subs. (1) (ac) and (b) and (4) (e) made by 1987
27 Wisconsin Act (this act) shall be reflected in rates charged to the com-
28 pany's customers, as determined by the appropriate regulatory agency.

1 SECTION 1572m. 76.38 (12) (a) of the statutes is amended to read:
2 76.38 (12) (a) If after filing the reports specified in sub. (2) and
3 after the department's computation and assessment of license fees under sub.
4 (3) it is subsequently determined that the amount of gross revenues reported
5 is in error, the department shall compute the additional license fee to be
6 paid or the amount of the overpayment of license fee to be refunded, as the
7 case may be. If an additional license fee is due, the department shall give
8 notice to the telephone company against whom the license fee is to be levied.
9 All such additional assessments and claims for refunds for excess license fees
10 paid are subject to the same procedure for review and final determination as
11 additional income tax assessments and claims for refunds under ch. 71 as far
12 as the same may be applicable. ~~The, except that the~~ additional license fees
13 shall become delinquent ~~30~~ 60 days after notice provided in this subsection,
14 ~~except that when timely review proceedings are taken from an additional~~
15 ~~assessment, the fees shall not become delinquent until 30 or, if review pro-~~
16 ceedings are held, 60 days following final determination of the review
17 proceedings. All additional license fees shall bear interest at the rate of
18 12% per year from the time they should have been paid to the date on which the
19 additional fees shall become delinquent if unpaid.

20 SECTION 1573m. 76.38 (14) of the statutes is amended to read:
21 76.38 (14) In case any telephone company discontinues service through
22 sale, merger, abandonment of its property or otherwise, the telephone company
23 acquiring such property or undertaking to provide service in the area of the
24 former company shall assume the license fees due pursuant to the provisions of
25 this section, ~~provided, however, except~~ that the liability of the acquiring
26 company shall be limited to those license fees which may have accrued from
27 January 1 of the previous calendar year to the date of the ~~order of the public~~
28 ~~service commission approving the sale, or merger or discontinuance of service.~~

1 ••87b0891/1 •• 87b1226/2••SECTION 1573nb. 76.48 (title) of the statutes
2 is amended to read:

3 76.48 (title) LICENSE FEES, ELECTRIC COOPERATIVES.

4 ••87b0891/1 •• 87b1226/2••SECTION 1573ng. 76.48 (1) of the statutes is
5 renumbered 76.48 (1r) and amended to read:

6 76.48 (1r) Every electric cooperative association organized under ch. 185
7 which carries on the business of generating, transmitting or distributing
8 electric energy to its members at wholesale or retail shall pay, in lieu of
9 other general property and income taxes, an annual license fee of 2.35% to be
10 computed on that portion of its total gross revenues from the sale of electric
11 energy and from rentals of electric property derived by multiplying total
12 gross revenues by a fraction, the numerator of which is the average book cost
13 of utility plant located in this state, and the denominator of which is the
14 average book cost of utility plant located everywhere. The average book cost
15 shall be determined by averaging the beginning and year end balances at orig-
16 inal cost, including construction work in progress. In this subsection "book
17 cost of utility plant" has the meaning set forth in the uniform system of
18 accounts prescribed by the U.S. rural electrification administration in
19 Bulletin 181-1, dated January 1, 1978 equal to its apportionment factor
20 multiplied by its gross revenues multiplied by 3.19%. Real estate and per-
21 sonal property not used primarily for the purpose of generating, transmitting
22 or distributing electric energy shall be are subject to general property
23 taxes. If a general structure is used in part to generate, transmit or dis-
24 tribute electric energy and in part for nonoperating purposes, the license fee
25 imposed by this section is in place of the percentage of all other general
26 property taxes that fairly measures and represents the extent of the use in
27 generating, transmitting or distributing electric energy, and the balance is

1 subject to local assessment and taxation, except that the entire general
2 structure is subject to special assessments for local improvements.

3 ••87b0891/1 •• 87b1226/2••SECTION 1573nj. 76.48 (1g) of the statutes is
4 created to read:

5 76.48 (1g) In this section:

6 (a) "Apportionment factor" has the meaning under s. 76.28 (1) (a).

7 (b) "Book cost of utility plant" has the meaning set forth in the uniform
8 system of accounts prescribed by the U.S. rural electrification administration
9 in bulletin 181-1, dated January 1, 1978.

10 (c) "Electric cooperative" means a cooperative association organized
11 under ch. 185 that carries on the business of generating, transmitting or
12 distributing electric energy to its members at wholesale or retail.

13 (d) "Gross revenues" means total operating revenues, except revenues for
14 interdepartmental sales and for interdepartmental rents, less deductions from
15 the sales and use tax under s. 77.61 (4) and, in respect to any electric
16 cooperative that purchases more than 50% of the power it sells, less the
17 actual cost of power purchased for resale by an electric cooperative, if the
18 revenue from that purchased electric power is included in the seller's gross
19 revenues or if the electric cooperative purchased more than 50% of the power
20 it sold in the year prior to the effective date of this paragraph
21 [revisor inserts date], from a seller located outside this state.

22 (e) "Payroll factor" has the meaning under s. 76.28 (1) (f).

23 (f) "Property factor" has the meaning under s. 76.28 (1) (g).

24 (g) "Sales factor" means a fraction the numerator of which is the elec-
25 tric cooperative's total sales of electricity in this state, not including
26 sales to out-of-state purchasers that are delivered to transmission facilities
27 in this state, for the tax period and the denominator of which is the electric
28 cooperative's total sales of electricity for the tax period.

1 (h) "Tax period" has the meaning under s. 76.28 (1) (i).

2 ••87b0891/1 •• 87b1226/2••SECTION 1573nn. 76.48 (2) to (5) of the stat-
3 utes are amended to read:

4 76.48 (2) Every ~~such association~~ electric cooperative shall on or before
5 March 15 in each year make and return to the department of revenue, in ~~such~~
6 the form and upon such the blanks as it shall prescribe and furnish that the
7 department prescribes and furnishes, a true statement of the gross receipts
8 from the operation of its business during the preceding calendar year together
9 with such other information ~~as that~~ the department ~~may require~~ requires to
10 enforce this section. The statement shall be verified by the president and
11 treasurer of the ~~association~~ electric cooperative making the return. Upon
12 written request, the department may grant an extension of not to exceed 30
13 days within which to file the return. If any ~~association~~ electric cooperative
14 fails to file the return within the time prescribed by law, or as extended by
15 the department, ~~unless it is shown that the failure is due to reasonable cause~~
16 ~~and not due to wilful neglect, there shall be added to the amount required to~~
17 ~~be shown as the license fee on the return 5% of the amount thereof if the~~
18 ~~failure is for not more than one month, with an additional 5% for each addi-~~
19 ~~tional month or fraction thereof during which the failure continues, not~~
20 ~~exceeding 25% in the aggregate~~ the department shall add to the taxes due from
21 the electric cooperative \$25, and the electric cooperative may not contest the
22 imposition of that penalty in any action or proceeding.

23 (3) On or before May 1 in each year, the department of revenue shall
24 compute and assess the license fees provided for in sub. ~~(1)~~ (1r) and certify
25 the amounts due to the state treasurer and file a duplicate thereof with the
26 department of administration. The department shall notify each ~~association~~
27 electric cooperative of the amount of the license fees so assessed. The fees
28 shall become delinquent if not paid when due and when delinquent shall be

1 subject to interest at the rate of 1.5% per month on the amount of license fee
2 until paid. The interest shall be collected by the department and, upon
3 collection, forwarded to the state treasurer and retained by the state. The
4 payment dates provided for in sub. (3a) shall apply.

5 (3a) License fees due under this section shall be paid to the department
6 on an estimated basis. Payments of semiannual instalments of the estimated
7 tax liability for the subsequent year shall be due on or before May 10 and
8 November 10 of the current year. With respect to the license fee assessment
9 under sub. (3), each ~~association~~ electric cooperative shall on each May 10 pay
10 or be credited an amount which is equal to the difference between the May 1
11 assessment and the sum of the semiannual instalment payments made in the pre-
12 ceding calendar year. The additional amount shall be added to the semiannual
13 instalment due on May 10. If there has been an overpayment the amount of the
14 overpayment shall be credited to the semiannual instalment due May 10. If any
15 ~~association~~ electric cooperative fails to make semiannual payments of at least
16 55% of the tax assessed for the current calendar year or 50% of the tax
17 assessed for the subsequent calendar year, any amounts not paid when due shall
18 become delinquent and shall be subject to interest under sub. (3). Associa-
19 tions with a liability under this section of less than \$2,000 are not required
20 to make semiannual payments but shall pay the full amount of license fees due
21 on or before May 10 of the year of assessment.

22 (4) All license fees provided in sub. ~~(1)~~ (1r) shall be deposited in the
23 general fund for use of the state.

24 (5) Additional assessments may be made, if notice of such assessment is
25 given, within 4 years of the date the annual return was filed, but if no
26 return was filed, or if the return filed was incorrect and was filed with
27 intent to defeat or evade the tax, an additional assessment may be made at any
28 time upon the discovery of gross revenues by the department. Refunds may be

1 made if a claim for the refund is filed in writing with the department within
2 4 years of the date the annual return was filed. Refunds shall bear interest
3 at the rate of 9% per year and shall be certified by the department to the
4 secretary of administration who shall audit the amounts of such overpayments
5 and the state treasurer shall pay the amount audited. ~~Any refund, and inter-~~
6 ~~est on the refund, shall be deducted from the municipal and county shared tax~~
7 ~~account under ch. 79.~~ Additional assessments shall bear interest at the rate
8 of 12% per year from the time they should have been paid to the date upon
9 which they shall become delinquent if unpaid.

10 ••87-2391/1••SECTION 1573p. 77.13 (2) of the statutes is amended to read:

11 77.13 (2) On and after ~~July 20, 1985~~ January 1, 1986, the department of
12 natural resources may not act on any petition requesting the designation of
13 land as forest croplands, issue any order entering land as forest croplands or
14 enter into a renewal of any forest croplands contract under this subchapter.

15 ••87-2391/1••SECTION 1573t. 77.13 (3) of the statutes is repealed.

16 ••87-2391/1••SECTION 1574b. 77.16 (14) (b) of the statutes is amended to
17 read:

18 77.16 (14) (b) On and after ~~July 20, 1985~~ January 1, 1986, the department
19 may not act on any application under this section, issue any order placing
20 land under this section or enter into a renewal of any agreement under this
21 section.

22 ••87-2391/1••SECTION 1574g. 77.16 (14) (c) of the statutes is repealed.

23 SECTION 1574m. 77.22 (1) (a) of the statutes is amended to read:

24 77.22 (1) (a) There is imposed on the grantor of real estate a real
25 estate transfer fee at the rate of 30 cents for each \$100 of value or fraction
26 thereof on every conveyance not exempted or excluded under this subchapter.
27 This fee shall be collected by the register at the time the instrument of
28 conveyance is submitted for recording. ~~At~~ Except as provided in s. 77.255, at

1 the time of submission the grantee or his or her duly authorized agent or
2 other person acquiring an ownership interest under the instrument shall
3 execute a return, signed by both grantor and grantee, on the form prescribed
4 under par. (b). The register shall enter the fee paid on the face of the deed
5 or other instrument of conveyance before recording, and, except as provided in
6 s. 77.255, submission of a completed real estate transfer return and collec-
7 tion by the register of the fee shall be prerequisites to acceptance of the
8 conveyance for recording. The register shall have no duty to determine either
9 the correct value of the real estate transferred or the validity of any
10 exemption or exclusion claimed. If the transfer is not subject to a fee as
11 provided in this subchapter, the reason for exemption shall be stated on the
12 face of the conveyance to be recorded by reference to the proper subsection
13 under s. 77.25. All returns related to conveyances exempt from the fee need
14 not report the value of the ownership transferred except conveyances exempt
15 under sub. (2) (a) and s. 77.25 (8).

16 SECTION 1575m. 77.25 (2) of the statutes is amended to read:

17 77.25 (2) ~~To~~ From the United States or ~~to~~ from this state or ~~to~~ from any
18 instrumentality, agency or subdivision of either.

19 SECTION 1576m. 77.255 of the statutes is amended to read:

20 77.255 EXEMPTIONS FROM RETURN. No return is required with respect to
21 conveyances exempt under s. 77.25 (1), ~~(2)~~, (4) or (11) from the fee imposed
22 under s. 77.22.

23 SECTION 1579m. 77.51 (13) (am) of the statutes is amended to read:

24 77.51 (13) (am) Any person making any retail sale of a motor vehicle,
25 aircraft, snowmobile, mobile home not exceeding 45 feet in length, trailer,
26 semitrailer, all-terrain vehicle or boat registered or titled, or required to
27 be registered or titled, under the laws of this state or of the United States.

28 SECTION 1580m. 77.51 (14g) (g) of the statutes is amended to read:

1 77.51 (14g) (g) The transfer of property in a reorganization as defined
2 in ~~s. 71.368~~ section 368 of the internal revenue code in which no gain or loss
3 is recognized for franchise or income tax purposes under ~~ss. 71.301 to 71.368;~~
4 or

5 SECTION 1581m. 77.52 (2) (a) 10 of the statutes is amended to read:

6 77.52 (2) (a) 10. Except for installing or applying tangible personal
7 property which, when installed or applied, will constitute an addition or
8 capital improvement of real property, the repair, service, alteration,
9 fitting, cleaning, painting, coating, towing, inspection and maintenance of
10 all items of tangible personal property unless, at the time of such repair,
11 service, alteration, fitting, cleaning, painting, coating, towing, inspection
12 or maintenance, a sale in this state of the type of property repaired,
13 serviced, altered, fitted, cleaned, painted, coated, towed, inspected or
14 maintained would have been exempt to the customer from sales taxation under
15 this subchapter, other than the exempt sale of a motor vehicle, aircraft or
16 truck body to a nonresident under s. 77.54 (5) (a) and other than nontaxable
17 sales under s. 77.51 (14r). For purposes of this paragraph, the following
18 items shall be deemed to have retained their character as tangible personal
19 property, regardless of the extent to which any such item is fastened to,
20 connected with or built into real property: furnaces, boilers, stoves, ovens,
21 including associated hoods and exhaust systems, heaters, air conditioners,
22 humidifiers, dehumidifiers, refrigerators, coolers, freezers, water pumps,
23 water heaters, water conditioners and softeners, clothes washers, clothes
24 dryers, dishwashers, garbage disposal units, radios and radio antennas,
25 incinerators, television receivers and antennas, record players, tape players,
26 juke boxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
27 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
28 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,

1 recreational, sporting, gymnasium and athletic goods and equipment including
2 by way of illustration but not of limitation bowling alleys, golf practice
3 equipment, pool tables, punching bags, ski tows and swimming pools; office,
4 restaurant and tavern type equipment including by way of illustration but not
5 of limitation lamps, chandeliers, and fans, venetian blinds, canvas awnings,
6 office and business machines, ice and milk dispensers, beverage-making
7 equipment, vending machines, soda fountains, steam warmers and tables,
8 compressors, condensing units and evaporative condensers, pneumatic conveying
9 systems; laundry, dry cleaning, and pressing machines, power tools, burglar
10 alarm and fire alarm fixtures, electric clocks and electric signs. "Service"
11 does not include services performed by veterinarians.

12 SECTION 1582m. 77.52 (11) (a) of the statutes is amended to read:

13 77.52 (11) (a) If any person fails to comply with any provision of this
14 subchapter relating to the sales tax or any rule of the department relating to
15 the sales tax adopted under this subchapter, is delinquent in respect to any
16 tax imposed by the department or fails timely to file any return or report in
17 respect to any tax under ch. 71, 72, 76, 77, 78 or 139 after having been re-
18 quested to file that return or report, the department upon hearing, after
19 giving the person 10 days' notice in writing specifying the time and place of
20 hearing and requiring the person to show cause why the permit should not be
21 revoked or suspended, may revoke or suspend any one or more of the permits
22 held by the person. The department shall give to the person written notice of
23 the suspension or revocation of any of the permits. The notices required in
24 this paragraph may be served personally or by mail in the manner prescribed
25 for service of notice of a deficiency determination. If the department sus-
26 pends or revokes a permanent permit under this paragraph, it may grant a
27 temporary permit that is valid for one month and may then grant additional
28 temporary permits if the person pays all amounts owed under this chapter for

1 the month for which the previous temporary permit was issued. Persons who
2 receive a temporary permit waive the notice requirement under s. 77.61 (2).
3 The department shall not issue a new permanent permit after the revocation of
4 a permit unless it is satisfied that the former holder of the permit will
5 comply with the provisions of this subchapter, the rules of the department
6 relating to the sales tax and the provisions relating to other taxes adminis-
7 tered by the department.

8 SECTION 1583m. 77.52 (12) of the statutes is amended to read:

9 77.52 (12) A person who operates as a seller in this state without a
10 permit or after a permit has been suspended, revoked or has expired, unless
11 the person has a temporary permit under sub. (11) (a), and each officer of any
12 corporation, partnership member or other person authorized to act on behalf of
13 a seller who so operates, is guilty of a misdemeanor. Permits shall be held
14 only by persons actively operating as sellers of tangible personal property or
15 taxable services. Any person not so operating shall forthwith surrender that
16 person's permit to the department for cancellation. The department may revoke
17 the permit of a person found not to be actively operating as a seller of tan-
18 gible personal property or taxable services.

19 SECTION 1584m. 77.53 (17) of the statutes is amended to read:

20 77.53 (17) This section does not apply to tangible personal property
21 purchased outside this state, other than motor vehicles, boats, snowmobiles,
22 mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-
23 terrain vehicles and airplanes registered or titled or required to be regis-
24 tered or titled in this state, which is brought into this state by a
25 nondomiciliary for the person's own storage, use or other consumption while
26 temporarily within this state when such property is not stored, used or
27 otherwise consumed in this state in the conduct of a trade, occupation, busi-

1 ncess or profession or in the performance of personal services for wages or
2 fees.

3 ••87b0852/1 •• 87b1226/2••SECTION 1584s. 77.53 (17m) of the statutes is
4 amended to read:

5 77.53 (17m) This section does not apply to a boat purchased in a state
6 contiguous to this state by a person domiciled in that state if the boat is
7 berthed in this state's boundary waters adjacent to the state of the domicile
8 of the purchaser, if the transaction was an exempt occasional sale under the
9 laws of the state in which the purchase was made, ~~if the boat is not located~~
10 ~~in this state more than 60 consecutive days, other than while it is in~~
11 ~~storage, and if this state is not the state of principal use.~~

12 SECTION 1585m. 77.53 (18) of the statutes is amended to read:

13 77.53 (18) This section does not apply to the storage, use or other con-
14 sumption in this state of household goods for personal use, ~~including motor~~
15 ~~vehicles, or to aircraft, motor vehicles, boats, snowmobiles, mobile homes,~~
16 trailers, semitrailers and all-terrain vehicles, for personal use, purchased
17 by a nondomiciliary of this state outside this state 90 days or more before
18 bringing the goods or property into this state in connection with a change of
19 domicile to this state.

20 SECTION 1586m. 77.54 (7) of the statutes is amended to read:

21 77.54 (7) The occasional sales of tangible personal property and services
22 and the storage, use or other consumption in this state of tangible personal
23 property, the transfer of which to the purchaser is an occasional sale. This
24 exemption shall, in the case of motor vehicles, snowmobiles, mobile homes not
25 exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or
26 aircraft registered or titled, or required to be registered or titled, in this
27 state, and boats registered or titled, or required to be registered or titled,
28 in this state or under the laws of the United States, be limited to motor

1 vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length,
2 trailers, semitrailers, all-terrain vehicles or aircraft transferred to the
3 spouse, parent or child of the transferor, and to motor vehicles transferred
4 from the transferor's individual ownership to a corporation owned solely by
5 the transferor, and then only if the motor vehicle, snowmobile, mobile home
6 not exceeding 45 feet in length, trailer, semitrailer, all-terrain vehicle or
7 aircraft has been previously registered or titled in this state or in the case
8 of boats, registered or titled under the laws of this state or the United
9 States, in the name of the transferor and the person selling is not engaged in
10 the business of selling the type of property for which exemption is claimed.
11 This exemption does not apply to gross receipts from the sale of bingo sup-
12 plies to players or to the sale, rental or use of regular bingo cards, extra
13 regular cards and special bingo cards.

14 SECTION 1587m. 77.54 (30) (a) 4 of the statutes is created to read:

15 77.54 (30) (a) 4. Any residue that is used as fuel in a business activity
16 and that results from the harvesting of timber or the production of wood
17 products, including slash, sawdust, shavings, edgings, slabs, leaves, wood
18 chips, bark and wood pellets manufactured primarily from wood or primarily
19 from wood residue.

20 ••87b0614/3 •• 87b1226/2••SECTION 1587r. 77.54 (37) of the statutes is
21 created to read:

22 77.54 (37) The gross receipts from revenues collected under s. 146.70
23 (3).

24 SECTION 1588m. 77.61 (1) (a) of the statutes is amended to read:

25 77.61 (1) (a) No motor vehicle, boat, snowmobile, mobile home not
26 exceeding 45 feet in length, trailer, semitrailer, all-terrain vehicle or
27 aircraft shall be registered or titled in this state unless the registrant

1 presents proof that the sales or use taxes imposed by this subchapter have
2 been paid.

3 SECTION 1589m. 77.61 (1) (c) of the statutes is amended to read:

4 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile
5 homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain
6 vehicles or aircraft registered or titled, or required to be registered or
7 titled, in this state purchased from persons who are not Wisconsin boat,
8 trailer ~~or~~, semitrailer or all-terrain vehicle dealers or licensed Wisconsin
9 aircraft, motor vehicle, mobile home or snowmobile dealers, the purchaser
10 shall file a sales tax report and pay the tax prior to registering or titling
11 the motor vehicle, boat, snowmobile, mobile home not exceeding 45 feet in
12 length, trailer, semitrailer, all-terrain vehicle or aircraft in this state.

13 ••87b1517/1 •• 87b1788/en••SECTION 1589r. 77.61 (5) (b) 4 of the statutes
14 is amended to read:

15 77.61 (5) (b) 4. Public officers of the federal government or other state
16 governments or the authorized agents of such officers, where necessary in the
17 administration of the laws of such governments, to the extent that such
18 government accords similar rights of examination or information to officials
19 of this state, except that all agreements affecting businesses in this state
20 and made with another state and all policies related to sharing information
21 under those agreements shall be promulgated as rules under subch. 11 of ch.
22 227;

23 ••87-1155/5••SECTION 1597. 77.65 (3) of the statutes is amended to read:

24 77.65 (3) Keep continuously in effect during the period that a loan is
25 outstanding under this subchapter a fire and extended casualty insurance
26 policy on the qualifying dwelling unit satisfactory to the department and
27 permit the department to be named on the policy as ~~an insured~~ a lienholder;
28 and

1 ••87-1155/5••SECTION 1598. 77.66 (1) of the statutes is amended to read:

2 77.66 (1) ~~Beginning with property taxes based on assessments made as of~~
3 ~~January 1, 1985, the~~ The department shall enter into agreements with partici-
4 pants and their coowners to loan funds to pay property taxes on their qual-
5 ifying dwelling units. The maximum loan under this subchapter in any one year
6 is limited to \$1,800 or the amount of property taxes levied on the qualifying
7 dwelling unit for the year for which the loan is sought, including interest
8 and penalties for delinquency attributable thereto, whichever is less. Loans
9 shall bear interest at a rate which is determined by the secretary to be suf-
10 ficient to meet all expenses arising from the operation of the program and
11 which, in the opinion of the secretary, will also recoup the maximum possible
12 amount of the interest foregone by the fund under s. 25.38 without discour-
13 aging a reasonable rate of participation in the program. The setting of the
14 interest rate is subject to review by the joint committee on finance in the
15 same manner as are supplements under s. 16.515.

16 ••87-1155/5••SECTION 1599. 77.66 (9) of the statutes is amended to read:

17 77.66 (9) Upon the making of the initial loan, a nonconsensual statutory
18 lien in favor of the department to secure payment of the principal, interest,
19 fees and charges due on all loans, including loans made after the lien is
20 filed, to the participant made under this subchapter shall attach to the
21 qualifying dwelling unit in respect to which the loan is made. The qualifying
22 dwelling unit shall remain subject to the statutory lien until the payment in
23 full of all loans and charges. If the department funds such loans from the
24 proceeds of revenue obligations under s. 77.67, its right under the lien shall
25 automatically accrue to the benefit of the holders of those revenue
26 obligations, without any action or assignment by the department. When a loan
27 becomes due and payable, the statutory lien hereby conferred may be enforced
28 by the department or the holders of the revenue obligations or their

1 representative, as the case may be, in the same manner as a construction lien
2 under ss. 779.09 to 779.12, except that neither the participant nor any co-
3 owners or their personal representatives, successors or assigns shall be
4 personally liable for any deficiency which may arise from the sale. At the
5 time of disbursing the initial loan to a participant, the department shall
6 file with the register of deeds of the county in which the qualifying dwelling
7 unit is located, on a form prescribed by the department which shall contain a
8 legal description of the qualifying dwelling unit, a notice of the loan made
9 under this subchapter and the existence of the statutory lien arising
10 therefrom. The register of deeds shall, without fee, record the notice in the
11 land records and index it in the indexes maintained by the register of deeds.
12 The statutory lien created by this section shall have priority over any lien
13 that originates subsequent to the recording of the notice.

14 SECTION 1600m. 77.70 of the statutes is amended to read:

15 77.70 ADOPTION BY COUNTY ORDINANCE. Any county desiring to impose county
16 sales and use taxes under this subchapter may do so by the adoption of an
17 ordinance, stating its purpose and referring to this subchapter. The county
18 sales and use taxes may be imposed only for the purpose of directly reducing
19 the property tax levy and only in their entirety as provided in this
20 subchapter. That ordinance shall be effective on the first day of April of
21 the succeeding calendar year. A certified copy of that ordinance shall be
22 delivered to the secretary of revenue at least 120 days prior to its effective
23 date. The repeal of any such ordinance shall be effective on ~~the date desig-~~
24 ~~nated in the repeal ordinance~~ December 31. A certified copy of a repeal
25 ordinance shall be delivered to the secretary of revenue at least ~~30~~ 60 days
26 before the effective date of the repeal.

27 SECTION 1601m. 77.71 (3) of the statutes is amended to read:

1 77.71 (3) An excise tax is imposed upon a contractor engaged in con-
2 struction activities within the county, at the rate of 0.5% of the sales price
3 of tangible personal property that is used in constructing, altering, repair-
4 ing or improving real property and that becomes a component part of real
5 property in that county, unless the contractor has paid the sales tax of a
6 county in this state on that property, and except that if the buyer has paid a
7 similar local sales tax in another state on a purchase of the same property
8 that tax shall be credited against the tax under this subsection.

9 SECTION 1602m. 77.71 (4) of the statutes is amended to read:

10 77.71 (4) An excise tax is imposed at the rate of 0.5% of the sales price
11 upon every person storing, using or otherwise consuming a motor vehicle, boat,
12 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,
13 all-terrain vehicle or aircraft, if that property must be registered or titled
14 with this state and if that property is to be customarily kept in a county
15 that has in effect an ordinance under s. 77.70, except that if the buyer has
16 paid a similar local sales tax in another state on a purchase of the same
17 property that tax shall be credited against the tax under this subsection.

18 ••87b0956/1 •• 87b1226/2••SECTION 1602s. 77.785 (2) of the statutes is
19 amended to read:

20 77.785 (2) Prior to registration or titling, boat, all-terrain vehicle,
21 trailer and semi-trailer dealers and licensed aircraft, motor vehicle, mobile
22 home and snowmobile dealers shall collect the taxes under this subchapter on
23 sales of items under s. 77.71 (4) ~~and. The dealer shall~~ remit those taxes to
24 ~~the state agency that registers or titles that property~~ department of revenue
25 along with payments of the taxes under subch. III.

26 ••87b1411/1 •• 87b1791/en••SECTION 1602v. 77.82 (7) (bm) of the statutes
27 is created to read:

1 77.82 (7) (bm) Notwithstanding pars. (a) and (b), if the parcel is
2 located in a town surrounded entirely by water in which the land entered under
3 subch. I and this subchapter totals 5% or more of the area of the town, the
4 department shall deny a petition under sub. (2) or (4) if the town board, by a
5 majority vote, adopts a motion requesting the denial and the town clerk,
6 within 60 days after receipt of the written notice under sub. (5) (a), pro-
7 vides a certified copy of the motion to the department and the petitioner.
8 Notwithstanding s. 77.90, the petitioner is not entitled to a hearing on the
9 denial.

10 ••87-2428/1••SECTION 1603m. 78.01 (1) of the statutes is amended to read:

11 78.01 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax of 15 cents
12 per gallon to June 30, 1984; 16 cents per gallon from July 1, 1984, to March
13 31, 1985; and thereafter at the rate determined under ~~s.~~ ss. 78.015 and 78.017
14 is imposed on all motor fuel sold, used or distributed in this state except as
15 otherwise provided in this chapter. The motor fuel tax is to be computed and
16 paid as provided in this chapter. Except as otherwise provided in this
17 chapter, the wholesaler, as defined in s. 78.08, shall collect from the pur-
18 chaser and the purchaser shall pay to the wholesaler the tax imposed by this
19 section on each sale of motor fuel by the wholesaler at the time of the sale,
20 irrespective of whether the sale is for cash or on credit. In each subsequent
21 sale or distribution of motor fuel on which the tax has been collected as
22 provided in this subsection, the tax collected shall be added to the selling
23 price so that the tax is paid ultimately by the user of the motor fuel.

24 ••87b1354/1 •• 87b1751/en••SECTION 1603r. 78.015 (1) of the statutes is
25 amended to read:

26 78.015 (1) ~~Beginning in 1985~~ In 1985 to 1987, on or before April 1, and
27 in 1989 and thereafter on or before July 1, the department shall recompute and
28 publish the rate for the tax imposed under s. 78.01 (1) and the rate under s.

1 78.14. The new rate per gallon shall be calculated by multiplying the rate in
2 effect at the time of the calculation by an amount obtained by multiplying the
3 amount under sub. (2) by the amount under sub. (3).

4 ••87b2153/2••SECTION 1603s. 78.015 (5) of the statutes is amended to
5 read:

6 78.015 (5) The rate calculated under this section is effective in 1985 to
7 1987 on the April 1, and in 1989 and thereafter on the July 1, after the
8 calculation.

9 ••87-2428/1••SECTION 1604m. 78.017 of the statutes is created to read:

10 78.017 ADJUSTMENT IN 1987. On August 1, 1987, the rate of the tax
11 imposed under s. 78.01 (1), after the adjustment for that year under s.
12 78.015, shall be increased by 2 cents per gallon.

13 ••87-2428/1••SECTION 1605m. 78.14 of the statutes is amended to read:

14 78.14 TAX PAID IS PUBLIC MONEY. Every wholesaler who sells or distrib-
15 utes any motor fuel for any purpose in this state shall collect from the pur-
16 chaser at the time of the sale or distribution 15 cents per gallon to June 30,
17 1984; 16 cents per gallon from July 1, 1984, to March 31, 1985; and thereafter
18 at the rate determined under ~~s.~~ ss. 78.015 and 78.017 on all motor fuel sold
19 or distributed. All sums paid by the purchaser to the wholesaler as taxes
20 upon the motor fuel, upon which the tax imposed by this chapter has not been
21 paid previously, are public money, the property of this state.

22 ••87-2428/1••SECTION 1606m. 78.40 (1) of the statutes is amended to read:

23 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax of 15 cents
24 per gallon to June 30, 1984; 16 cents per gallon from July 1, 1984, to March
25 31, 1985; and thereafter at the rate determined under ~~s.~~ ss. 78.405 and 78.407
26 is imposed on the use, as defined in s. 78.44, of special fuel. The tax, with
27 respect to all special fuel delivered by a special fuel dealer into supply
28 tanks of motor vehicles in this state, attaches at the time of delivery and